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GOSMITH, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

BRADLEY LA FORCE,

Plaintiff,

v.

GOSMITH, INC., and DOES 1-25,

Defendants.

CASE NO: 4:17-CV-05101-YGR

Assigned to the Hon. Yvonne Gonzalez Rogers

**DECLARATION OF DARWIN WIDJAJA IN  
SUPPORT OF DEFENDANT GOSMITH,  
INC.'S MOTION TO COMPEL  
ARBITRATION**

*[Filed concurrently with Notice of Motion and  
Motion to Compel Arbitration; Memorandum of  
Points and Authorities; Declaration of Artin  
Betpera; and [Proposed] Order]*

Date: December 12, 2017

Time: 2:00 p.m.

Courtroom: 1, Fourth Floor

Complaint Filed: September 1, 2017

Trial Date: Not yet set.

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**DECLARATION OF DARWIN WIDJAJA**

I, Darwin Widjaja, declare and state as follows:

1. I am an adult over the age of 18 and a resident of the state of California. Unless otherwise stated, the information set forth herein is true and correct of my own personal knowledge and if asked to testify thereto, and would do so competently.

2. I am the Chief Technology Office (“CTO”) of GoSmith, Inc. (“GoSmith”), and I have held this position since January 2017. In my role as CTO of GoSmith, I am involved in nearly every facet of GoSmith’s operations and have comprehensive personal knowledge of GoSmith’s business model and internet operations.

3. GoSmith is a technology company located in California that provides an online, nationwide home improvement marketplace for homeowners and service professionals. GoSmith provides the technology through a website ([www.gosmith.com](http://www.gosmith.com)), and its smartphone application. GoSmith offers its website and app as a tool to both homeowners and service professionals across the United States to facilitate home improvement projects.

4. Using the GoSmith website or app, homeowners are able to register and submit a request for quotes on home improvement projects from service professionals in their local area. GoSmith will then notify service professionals in the homeowner’s locale of the job request. GoSmith will send such notifications using various forms of communication including text messages, e-mails, or via the GoSmith website. Service professionals may use the GoSmith website or app to respond to job notifications, including by communicating a bid or quote to the homeowner, and setting up an appointment with the homeowner.

5. The services provided by GoSmith on its website and app are available to homeowners and service professionals across the United States. In order to utilize these online services, service professionals must register with GoSmith and accept its terms of use (the “Terms of Use”).

6. As CTO of GoSmith, I have personal knowledge of the process service professionals must go through to sign up to use GoSmith’s services, and the documents to which they must agree to in order to utilize those services. I also have access to GoSmith’s business records reflecting the identity of service professionals that have registered online with GoSmith and have utilized its

1 services. These records are maintained in the regular course of GoSmith's business and are records of  
2 regularly conducted activity, as they are regularly updated as service professionals join the GoSmith  
3 system at or near the time the service professional joins the system.

4 7. In order to access GoSmith's online services, a service professional must first register  
5 on GoSmith's website and agree to its Terms of Use. The registration process is contained on one  
6 page. Before Plaintiff could complete the registration process and access job postings on GoSmith's  
7 website, he was required accept GoSmith's terms of use and its privacy policy. At the bottom of the  
8 registration page is a notice that states "I have read and agree to the terms & privacy policy." Both the  
9 terms and the privacy policy are accessible from this screen via hyperlink. Clicking on the "terms"  
10 link will take the user to a screen which displays a copy of GoSmith's Terms of Use (the "Terms of  
11 Use"). Attached hereto as Exhibit A is a copy of the full Terms of Use which Plaintiff agreed to, and  
12 which would have been displayed by clicking the "terms" hyperlink during the registration process.  
13 Clicking on the "privacy policy" link will take the user to a screen which displays a copy of GoSmith's  
14 Privacy Policy (the "Privacy Policy"). Attached hereto as Exhibit B is a copy of the full Privacy  
15 Policy which Plaintiff agreed to, and which would have been displayed by clicking the "privacy  
16 policy" during the registration process. Finally, next to the statement "I have read and agree to the  
17 terms & privacy policy" is a box that may be toggled by the user to indicate their acceptance or  
18 rejection of the Terms of Use and Privacy Policy. The box is checked by default, and must remain  
19 checked in order for a user to complete his or her registration. Attached hereto as Exhibit C is an  
20 example screenshot of the registration page, including the notice "I have read and agree to the terms &  
21 privacy policy".

22 8. I have access to GoSmith's records reflecting the dates and times that service  
23 professionals register on GoSmith's website and accept the Terms of Use. These records are  
24 maintained in the regular course of GoSmith's business, are records of regularly conducted activity,  
25 and are updated as service professionals register and accept GoSmith's Terms of Use. When a service  
26 professional accepts GoSmith's Terms of Use, GoSmith's system will log the information provided by  
27 the professional on the registration screen (i.e. name, business name, trade, phone number, address,  
28 etc.), and the date and time the service professional completed his or her registration. This data is kept

1 in the regular course of business for all service professionals who register for a GoSmith account  
2 online.

3 9. Based on my review of the user registration data logged and contained in GoSmith's  
4 system of record, Plaintiff Bradley La Force, doing business as Holden & La Force Inc., registered  
5 with GoSmith and accepted its Terms of Use when he completed his account registration on October  
6 13, 2015 at 6:41:27 a.m. Plaintiff filled out the required information on the registration screen,  
7 including by providing number of years in business (5 years), clicking "yes" on the insurance and  
8 licensing fields, and requesting leads within a 20 mile radius of his location. Plaintiff did not uncheck  
9 the box next to the statement "I have read and agree to the terms & privacy policy" during the  
10 registration process. Plaintiff then clicked on the "See Job Matches" button immediately above this  
11 notice to complete his registration.

12 10. After registering, Plaintiff was navigated to his account dashboard. The account  
13 dashboard is a personalized section of the GoSmith website that may only be accessed by users who  
14 have registered with GoSmith and accepted its Terms of Use. Among other things, Plaintiff's account  
15 dashboard contained a list of job leads that were provided to him by GoSmith based on the preferences  
16 confirmed by Plaintiff during the registration process, including geographical area, and trade.

17 11. Plaintiff also confirmed or updated the following information relating to his business  
18 from the account dashboard:

19 Business Name: Holden & La Force, Inc.

20 Contact Person: La Force, Bradley

21 E-mail: [brad@laforce.com](mailto:brad@laforce.com)

22 Phone: (XXX) XXX-8848

23 Address: 350 Manhattan Ave., Brooklyn, NY 11211

24 12. Based upon my review of GoSmith's records, Plaintiff utilized GoSmith's website and  
25 services by accessing and responding to a job lead for electrical work (identified as Job No. 574437).  
26 Plaintiff responded to this job by providing an estimate of the work requested through the GoSmith  
27 website, which stated:  
28

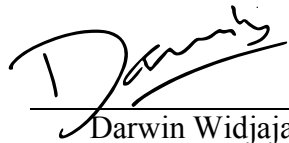
Licensed general contractor, with licensed plumber and electrician.  
Holden & La Force, Inc., Or [sic] average price for licensed with COI  
electrical. Is \$500 per day. Includes 2 electricians. For panel  
replacement or larger jobs we bid.

13. In addition to this bid, Plaintiff also utilized the chat feature of GoSmith's website to  
send the following message to the consumer:

Company is registered with the DOB and DCA as General contractor.  
We've been in business here in NYC for 3 years. I have been in  
construction and trades for 15 years. Most of our employees have been  
in their respective trades for at least 5 years. We've built apartments all  
over the 5 boroughs. We've done restaurants (including Katz's deli  
kitchen floor) and commercial spaces. If you'd like references or photos  
of our work please let me know. Our website is currently being updated  
but will be back up in about a week according to my IT guys.

14. Following Plaintiff's registration, GoSmith provided Plaintiff with job leads as  
requested by Plaintiff during the registration process. Those leads were tailored by GoSmith based  
upon the geographical local designated by Plaintiff during the registration process. GoSmith  
transmitted these leads to Plaintiff via text messages, among other means, and also made them  
available to Plaintiff on his account dashboard.

I declare under penalty of perjury under the laws of the State of California that the foregoing is  
true and correct. Executed this 16 day of October, 2017 at Sunnyvale, California.

  
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Darwin Widjaja

**CERTIFICATE OF SERVICE**

All Case Participants are registered for the USDC CM/ECF System

***Bradley La Force v. GoSmith, Inc., and DOES 1-25***  
***Northern District of California Case Number 4:17-cv-05101-YGR***

**DECLARATION OF DARWIN WIDJAJA IN SUPPORT OF DEFENDANT GOSMITH, INC.'S  
MOTION TO COMPEL ARBITRATION**

I hereby certify that on October 20, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

Dated: October 20, 2017

DORSEY & WHITNEY LLP

By: /s/ Eric J. Troutman  
Eric J. Troutman